

REMARKS

Claims 13, 15, 16 and 19 have been rejected under 35 USC 102(e) as anticipated by Smith. The rejection is respectfully traversed.

The present invention relates to a communication system in which communications links may be set up and cleared. In the system and method, a high level of flexibility with regards to adaptation to the number of communications links to be provided is ensured. In one embodiment, a connection is set up by call processing via an existing fixed connection element in the transport network, since this means that there is no need for time-consuming connection processing in the transport network. This differs from the conventional art where information is supplied to a central device. Messages are then gathered and distributed by a signaling device and interchanged between the central device and a peripheral device, and call processing controls the setting up and clearing of connections. The control and connection functions are thereby carried out by a single physically integrated functional unit in the network.

Smith discloses a broadband switching system for switching asynchronously transferred cells of data, where a dynamic bandwidth controller controls the application of data cells to an input port of the system. The Examiner, in Response to Arguments on page 10 of the Office Action, states that "the transport network [is] along the connection from end stations 14 of Figure 6. The examiner also corresponds the CAC and DBC (fig. 6 boxes 18, 20) to the control network of the applicant. As shown...the CAC is not located along the path between the end stations. Furthermore, data is not transported from the end stations to the CAC." Applicant's submit, however, that Smith fails to disclose a control network having a system for setting up and clearing a communications link with a transport network having at least two decentralized switching device to provide a communications link in the transport network, with at least one permanent communications link via the transport network between the decentralized switching devices, as required by the claimed invention.

Claims 9 and 12 have been rejected under 35 USC 103(a) as unpatentable over Gardner in view of applicant's admitted prior art ('AAPA'). The rejection is respectfully traversed.

In Response to Arugments, on page 11 of the Office Action, the Examiner comments that Gardner teaches the "existing fixed element" as recited in the claimed invention. Specifically, the Examiner refers to Gardner at Figure 6, box 204 which "transports call signaling via the cross connect" as disclosing the "existing fixed element" used to set up a communication link. Applicant's respectfully disagree.

Referring to Figure 6 and col. 14, lns. 62-67 of Gardner, the system includes a cross connect 204 that provisions a first virtual path from (i.e. between) the signaling processor 202 to the first networking unit 606. Hence, the cross connect is not part of the transport network, but rather an entity between a control device and the in-band network. Additionally, in the claimed invention, the communications link is set-up using at least one existing fixed connection element. In Gardner, the cross connect is already interconnected to the processor and the interworking unit, thereby not requiring any set-up.

Claims 10-11, 14 and 17-18 have been rejected under 35 USC 103(a) as unpatentable over Gardner under various combinations of AAPA and Smith. The rejections are respectfully traversed for the same reasons presented in the arguments above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122024100.

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Respectfully submitted,

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